

REMARKS

Claim Rejections – 35 U.S.C. 102(e)

Claims 1 – 34 were rejected under 35 U.S.C. 102(e) as being anticipated by Kato.

Response

5 Claim 1

In the Office Action dated 12/28/2007, the Examiner states that Claim 1 does not disclose the limitations of determining compatibility between content of original firmware and updated firmware to be downloaded. The applicant respectfully disagrees. Claim 1 explicitly discloses, “a peripheral device comprising a control circuit for executing a first program code” and the step of “executing an inspection step in the host device before the second program code replaces the first program code of the peripheral device to utilize the host device to check whether partial content of the second program code conforms to a predetermined content of the first program code”. If partial content of the second program code conforms to a predetermined content of the first program code there is clearly compatibility between the two program codes. Kato compares current firmware of a host device with current firmware of a peripheral device to determine if the two devices are compatible. “When a hardware-connectable peripheral device (e.g., a mailbox) is connected to the printer and operation is impossible due to a firmware mismatch between the printer and the peripheral device, the firmware of either or both devices may be modified based on the device type and model identification code so as to make operation possible” [Col. 3, lines 11 - 17]. “If operation is determined to be impossible (S14: NO), tables based on the identification code are referenced to determine whether or not functions or operations are possible by the combined devices by modifying the firmware of a device (S16). The user also may determined (*sic*) whether or not to modify the firmware” [Col. 4, lines 62 - 67]. If they are not compatible, Kato then determines if firmware of one or both devices needs to be updated. This second determination step is

also performed by comparing current firmware of the host device with current firmware of the peripheral device. Please refer to Col. 6, line 41 – Col. 7, line 4 of Kato's teaching, which fully describes that identification codes of **current** firmware are used for determining compatibility with new firmware. Moreover, Claim 1 clearly states that the 5 second program code is for replacing the first program code, whereas Kato explicitly discloses comparing current firmware of a peripheral device with current firmware of a host device for determining whether updating one or both firmware will result in compatibility. FIGS. 4(A) – 4(D) of Kato's teaching disclose tables showing firmware compatibility between different versions of firmware, but Kato neither teaches nor 10 suggests comparing firmware to be downloaded with current firmware, and replacing a first compared firmware with a second compared firmware. Moreover, if a first program code of Kato were replaced with a second program code, the second program code would be firmware of a different device, and therefore could not be compatible. All 15 compatibility determinations taught by Kato are based on a comparison between current firmware of the peripheral device and current firmware of the host device.

The applicant therefore asserts that Claim 1 should be found allowable. Withdrawal of the rejection and reconsideration of independent Claim 1 are respectfully requested.

Claims 2 – 8

20 Claims 2 – 8 are dependent on Claim 1 and should be found allowable if Claim 1 is found allowable.

Claim 9

Claim 9 similarly states that a compatibility check is performed by comparing partial 25 content of the second program code (the firmware to be downloaded) with predetermined content of the first program code (the current firmware). As Kato neither teaches nor suggests performing this comparison step, and instead compares current firmware of the peripheral device with current firmware of the host device, the applicant asserts that

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Claim 9 should be found allowable. Withdrawal of the rejection and reconsideration of independent Claim 9 are respectfully requested.

Claims 10 – 19

5 Claims 10 – 19 are dependent on Claim 9 and should be found allowable if Claim 9 is found allowable.

Claim 20

10 Claim 20 is a device claim detailing how a first program code of a peripheral device is replaced with a second program code of the peripheral device by comparing the first and the second program codes with each other. As Kato neither teaches nor suggests performing this comparison step, and instead compares current firmware of the peripheral device with current firmware of the host device, the applicant asserts that Claim 20 should be found allowable. Withdrawal of the rejection and reconsideration of

15 independent Claim 20 are respectfully requested.

Claims 21 - 30

Claims 21 – 30 are dependent on Claim 20 and should be found allowable if Claim 20 is found allowable.

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Claim 31

Claim 31 has similar limitations to claims 1 and 9, but instead discloses comparing a characteristic of the first program code with a characteristic of the second program code for determining whether or not to replace the first program code with the second program code. Kato, as argued above, does not compare firmware to be downloaded with current firmware. Therefore, Claim 31 should be found allowable. Withdrawal of the rejection and reconsideration of independent Claim 31 are respectfully requested.

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Claims 32 - 34

Claims 32 – 34 are dependent on Claim 31 and should be found allowable if Claim 31 is found allowable.

5 Applicant believes all of the pending claims are in a state of allowance, and respectfully requests that a timely Notice of Allowance be issued in this case.

Sincerely yours,

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